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HOUSE BILL NO. 247

Offered January 8, 2020

Prefiled December 30, 2019

A BILL to amend and reenact §§ 46.2-833 and 46.2-924 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-833.2, relating to infliction of injury on pedestrians and wheel chair users; penalties.

Patron—Levine

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-833 and 46.2-924 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-833.2 as follows:

§ 46.2-833. Traffic lights; penalty.

A. Signals by traffic lights shall be as follows:

Steady red indicates that moving traffic shall stop and remain stopped as long as the red signal is shown, except in the direction indicated by a steady green arrow.

Green indicates the traffic shall move in the direction of the signal and remain in motion as long as the green signal is given, except that such traffic shall yield to other vehicles and pedestrians lawfully within the intersection.

Steady amber indicates that a change is about to be made in the direction of the moving of traffic. When the amber signal is shown, traffic which has not already entered the intersection, including the crosswalks, shall stop if it is not reasonably safe to continue, but traffic which has already entered the intersection shall continue to move until the intersection has been cleared.

Flashing circular red indicates that traffic shall stop before entering an intersection. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing red arrow indicates that traffic shall stop before entering an intersection. After stopping, traffic may cautiously enter the intersection to turn in the direction of the signal. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing circular amber indicates that traffic may proceed through the intersection or past such signal with reasonable care under the circumstances. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

Flashing amber arrow indicates that traffic may turn in the direction of such signal with reasonable care under the circumstances. Such traffic shall yield the right-of-way to pedestrian and vehicular traffic lawfully within the intersection.

B. Notwithstanding any other provision of law, if a driver of a motorcycle or moped or a bicycle rider approaches an intersection that is controlled by a traffic light, the driver or rider may proceed through the intersection on a steady red light only if the driver or rider (i) comes to a full and complete stop at the intersection for two complete cycles of the traffic light or for two minutes, whichever is shorter, (ii) exercises due care as provided by law, (iii) otherwise treats the traffic control device as a stop sign, (iv) determines that it is safe to proceed, and (v) yields the right of way to the driver of any vehicle approaching on such other highway from either direction.

C. If the traffic lights controlling an intersection are out of service because of a power failure or other event that prevents the giving of signals by the traffic lights, the drivers of vehicles approaching such an intersection shall proceed as though such intersection were controlled by a stop sign on all approaches. The provisions of this subsection shall not apply to: intersections controlled by portable stop signs, intersections with law-enforcement officers or other authorized persons directing traffic, or intersections controlled by traffic lights displaying flashing red or flashing amber lights as provided in subsection A.

D. The driver of any motor vehicle may be detained or arrested for a violation of this section if the detaining law-enforcement officer is in uniform, displays his badge of authority, and (i) has observed the violation or (ii) has received a message by radio or other wireless telecommunication device from another law-enforcement officer who observed the violation. In the case of a person being detained or arrested based on a radio message, the message shall be sent immediately after the violation is observed, and the observing officer shall furnish the license number or other positive identification of the vehicle to the detaining officer.

~~Violation~~ Except as provided in § 46.2-833.2, a violation of any provision of this section shall constitute a traffic infraction punishable by a fine of no more than \$350.

INTRODUCED

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59 **§ 46.2-833.2. Traffic light violation resulting in serious injury; penalty.**

60 A. A person who violates § 46.2-833 and causes death or serious bodily injury to a pedestrian or
61 user of a wheel chair or wheel chair conveyance who is lawfully present at the time of the injury is
62 guilty of a Class 2 misdemeanor.

63 B. A prosecution pursuant to this section shall not bar a prosecution under another provision for the
64 same act.

65 **§ 46.2-924. Drivers to stop for pedestrians; installation of certain signs; penalty.**

66 A. The driver of any vehicle on a highway shall yield the right-of-way to any pedestrian crossing
67 such highway:

68 1. At any clearly marked crosswalk, whether at mid-block or at the end of any block;

69 2. At any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the
70 adjacent sidewalk at the end of a block;

71 3. At any intersection when the driver is approaching on a highway or street where the legal
72 maximum speed does not exceed 35 miles per hour.

73 B. Notwithstanding the provisions of subsection A, at intersections or crosswalks where the
74 movement of traffic is being regulated by law-enforcement officers or traffic control devices, the driver
75 shall yield according to the direction of the law-enforcement officer or device.

76 No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

77 The drivers of vehicles entering, crossing, or turning at intersections shall change their course, slow
78 down, or stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.

79 Pedestrians crossing highways at intersections shall at all times have the right-of-way over vehicles
80 making turns into the highways being crossed by the pedestrians.

81 C. The governing body of Arlington County, Fairfax County, Loudoun County and any town therein,
82 the City of Alexandria, the City of Fairfax, the City of Falls Church, and the Town of Ashland may by
83 ordinance provide for the installation and maintenance of highway signs at marked crosswalks
84 specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield
85 the right-of-way to pedestrians crossing or attempting to cross the highway. Any operator of a motor
86 vehicle who fails at such locations to yield the right-of-way to pedestrians as required by such signs
87 shall be guilty of a traffic infraction punishable by a fine of no less than \$100 or more than \$500. The
88 Department of Transportation shall develop criteria for the design, location, and installation of such
89 signs. The provisions of this section shall not apply to any limited access highway.

90 D. Where a shared-use path crosses a highway at a clearly marked crosswalk and there are no traffic
91 control signals at such crossing, the local governing body may by ordinance require pedestrians, cyclists,
92 and any other users of such shared-used path to come to a complete stop prior to entering such
93 crosswalk. Such local ordinance may provide for a fine not to exceed \$100 for violations. Any locality
94 adopting such an ordinance shall install and maintain stop signs, consistent with standards adopted by
95 the Commonwealth Transportation Board and to the extent necessary in coordination with the
96 Department of Transportation. At such crosswalks, no user of such shared-use path shall enter the
97 crosswalk in disregard of approaching traffic.

98 E. A locality adopting an ordinance under subsection D shall coordinate the enforcement and
99 placement of any stop signs affecting a shared-use path owned and operated by a park authority formed
100 under Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2 with such authority.

101 F. A driver who violates this section and causes death or serious bodily injury to a pedestrian or
102 user of a wheel chair or wheel chair conveyance who is lawfully present at the time of the injury is
103 guilty of a Class 2 misdemeanor. A prosecution pursuant to this section shall not bar a prosecution
104 under another provision for the same act.